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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LONG, ANDREA NATAE

ART UNIT

PAPER NUMBER

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/638,843	Applicant(s) WIGGESHOFF ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/06/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 have been examined in response to application filed 08/11/2003 and Information Disclosure Statement filed 10/06/2003.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1 reference characters 130 and 134. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 41 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 41 recites "a computer readable medium comprising program instructions", which lacks functionality. There also lack an explicit and deliberate definition in the original specification that it includes an appropriate medium, which is software per se. Software per se is not statutory under 35 U.S.C 101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 11, 12, 18, 19, 21, 22, 38, 39, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Roskind et al (US Patent 7124123), hereinafter "Roskind".

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As to claim 1, Roskind teaches a system for implementing a user interface in an electronic device (column 1 lines 12-21 → Roskind discloses an instant messaging program consisting of a user interface within a computer), comprising:

a user interface application configured to generate said user interface upon a display of said electronic device, said user interface application selectively generating a main widget (Figure 2A, column 1 lines 18-21), a connect widget (column 1 lines 21-24), and an alert widget (column 1 lines 39-42) as parts of said user interface; and

a processor device coupled to said electronic device, said processor device being configured to control said user interface application for performing network communications procedures in an electronic network (column 13 lines 43-59 → Roskind discloses that a processor is used to carry out instruction of the operation).

As to claim 2, Roskind teaches wherein said network communication procedures are performed between said electronic device and one or more buddy devices through a network server of said electronic network, said network communication procedures including instant messaging processes and sharing of content information for corresponding network services (column 1 lines 12-24).

As to claim 11, Roskind teaches wherein said device user selects said MEET tab to display a MEET widget that includes one or more buddy entries that include buddy information corresponding to one or more buddy devices in said electronic network (column 5 lines 1-2).

As to claim 12, Roskind teaches wherein said buddy information includes a buddy group name, an on-line/off-line status icon, a buddy screen name, a buddy resource name, and a listing of network services available for performing network service sharing procedures over said electronic network (Figure 2A).

As to claim 18, Roskind teaches wherein said user interface application dynamically displays said alert widget upon a portion of said display for viewing corresponding alert messages relating to status changes or other events in at least one of said electronic device, one or more buddy devices, a network server device, and said electronic network (column 1 lines 36-43).

As to claim 19, Roskind teaches wherein said alert widget functions in a notification mode in which no response is required from a device user, said alert widget alternately functioning in a decision mode in which a decision is required by said device user to approve or disapprove a particular one of said alert messages (column 1 lines 36-43, column 1 lines 56-67).

Claim 21 is rejected under the same rationale as claim 1.

Claim 22 is rejected under the same rationale as claim 2.

Claim 38 is rejected under the same rationale as claim 18.

Claim 39 is rejected under the same rationale as claim 19.

Claims 41 and 42 are rejected under the same rational as claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 6-15, 17, 20, 23, 24, 26-35, 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind et al (US Patent 7124123) in view of Becker et al (PG PUB US 2002/0130904 A1, filed 01/17/2002), hereinafter "Becker".

As to claim 3, Roskind teaches the functions of the presence tab (column 1 lines 28-36), a MEET tab (column 5 lines 1-4 "buddy list"), a buddy tab (column 5 lines 7-10), a content tab (column 4 lines 48-57), an info tab (column 4 lines 63-67). However, Roskind does not teach these functions as tabs. Becker teaches the concept of using tabs in an instant messenger user interface (page 1 paragraph [0010]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the functions of Roskind with the tabbing method of Becker to better organize and display the functions to the use.

As to claim 4, Roskind teaches wherein a device user selects said presence tab in a presence off-line mode for logging-in to a network server to gain access to said electronic network (column 1 lines 44-52).

As to claim 6, Roskind teaches wherein a device user selects said buddy tab to add a new buddy device to a buddy list of communication partners for said electronic device, said device user alternately selecting said buddy tab to remove a current buddy device from said buddy list, said device user also selecting said buddy tab to edit buddy information corresponding to one or more of said communication partners (column 5 lines 1-10).

As to claim 7, Roskind teaches wherein a device user selects said content tab in a content off-line mode for adding shareable content information, for editing said shareable content information, and for removing said shareable content information, said shareable content information being stored in a memory device for sharing with one or more buddy devices over said electronic network (column 3 line 64 through column 4 line 3, column 4 lines 48-54).

As to claim 8, Roskind teaches wherein a device user selects said content tab in a content on-line mode for viewing a list of previously-defined shareable content information, said device user then sending content sharing invitations to one or more

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buddy devices for sharing said previously-defined shareable content information (column 4 lines 13-31).

As to claim 9, Roskind teaches wherein a device user selects said info tab to create and transmit a request for profile information regarding one or more buddy devices in said electronic network (column 4 lines 59-67).

As to claim 10, Roskind teaches wherein said request for said profile information requests a user nickname, a user email address, a user URL, a user sex, a user age, a user birthday, a user blood type, a user country, a user state, a user hobby, a user photo, and a user description. It is inherent and well known that a profile can consist of any information that would be pertinent to the system at hand.

As to claim 13, Roskind teaches wherein said device user utilizes said MEET widget to view a communications menu corresponding to a selected one of said one or more buddy entries, said device user then utilizing said communications menu to initiate said network communications procedures over said electronic network (Figure 2B, column 5 lines 11-15).

As to claim 14, Roskind teaches wherein said device user selects an instant messaging mode from said communications menu, said user interface application

then dynamically displaying said connect widget (IM button) upon a portion of said display, said device user utilizing said connect widget to conduct bi-directional chat-type communications between said electronic device and a selected one of said one or more buddy devices (Figure 2B, column 5 lines 11-38).

As to claim 15, Roskind teaches wherein said device user selects a single message mode from said communications menu, said user interface application then dynamically displaying said connect widget upon a portion of said display, said device user utilizing said connect widget to send a single message from said electronic device to a selected one of said one or more buddy devices (Figure 2B, column 5 lines 11-38).

As to claim 17, Roskind teaches wherein said connect widget includes a series of buddy tabs for selecting which of said one or more buddy devices are designated for said network communications procedures (Figure 1, page 4 paragraph [0038] → Becker teaches tabs for selecting individual buddies to communicate with), said connect widget further comprising a buddy scrolling tab for repositioning which of said buddy tabs are currently displayed on said connect widget if a greater number of said buddy tabs exist than may concurrently be displayed on said connect widget (Figure 1, page 4 paragraph [0038] → Becker discloses that additional elements such as elevator control can be added which would allow for additional scrolling. Also Figure 1 shows in panel 100 a scroll bar for scrolling).

It would have been obvious to one skilled in the art at the time the invention was made to have combined user interface of Roskind to the tabbing system of Becker to better organize and display the buddies.

As to claim 20, Roskind teaches wherein said alert widget However, Roskind does not teach a series of alerts. Becker teaches using tabs to organize a list of buddies. Becker also teaches using scrolling (Figure 1) to allow for viewing additional information.

It would have been obvious to one skilled in the art at the time the invention was made to implemented the tabbing system of Becker with the alert widget of Roskind to better organize and easily view alerts provided to the user.

Claim 23 is rejected under the same rationale as claim 3.

Claim 24 is rejected under the same rationale as claim 4.

Claim 26 is rejected under the same rationale as claim 6.

Claim 27 is rejected under the same rationale as claim 7.

Claim 28 is rejected under the same rationale as claim 8.

Claim 29 is rejected under the same rationale as claim 9.

Claim 30 is rejected under the same rationale as claim 10.

Claim 31 is rejected under the same rationale as claim 11.

Claim 32 is rejected under the same rationale as claim 12.

Claim 33 is rejected under the same rationale as claim 13.

Claim 34 is rejected under the same rationale as claim 14.

Claim 35 is rejected under the same rationale as claim 15.

Claim 37 is rejected under the same rationale as claim 17.

Claim 40 is rejected under the same rationale as claim 20.

9. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind et al (US Patent 7124123) in view of Becker et al (PG PUB US 2002/0130904 A1, filed 01/17/2002) as applied to claim 3 and 23 above, and further in view of Benejam et al (US Patent 7084754), hereinafter "Benejam".

As to claim 5, Roskind teaches wherein a device user selects said presence tab in a presence on-line mode for logging-out from a network server of said electronic network (column 1 lines 44-52 → It is inherent that the method of logging out would be the mirror of logging-in) However, Roskind does not disclose, the presence tab have presence attributes. Benejam teaches said device user alternately selecting said presence tab in said presence on-line mode for changing presence attributes of said electronic device, said presence attributes including a visibility attribute and a status attribute for said electronic device (column 3 lines 13-27).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the presence attributes of Benejam with the presence tab of Roskind to allow flexibility of the user's presence online.

Claim 25 is rejected under the same rationale as claim 5.

10. Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind et al (US Patent 7124123) in view of Becker et al (PG PUB US 2002/0130904 A1, filed 01/17/2002) as applied to claim 13 and 33 above, and further in view of Canfield et al (US Patent 7127685), hereinafter "Canfield".

As to claim 16, Roskind teaches wherein said device user selects a content messaging mode from said communications menu, said user interface application then dynamically displaying said connect widget upon a portion of said display (Figure 2B, column 5 lines 11-38). However, Roskind does not teach said device user utilizing said connect widget to either share content information associated with a particular announced network service, or to view said content information while simultaneously conducting instant messaging over said electronic network. Canfield teaches a device user utilizing said connect widget to either share content information associated with a particular announced network service, or to view said content information while simultaneously conducting instant messaging over said electronic network (Figures 5 & 8-11).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the user interface of Roskind with the sharing and viewing of

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content of Canfield to enable a user to locate preferred information and service quickly and easily.

Claim 36 is rejected under the same rationale as claim 16.

Conclusion

11. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea N. Long
12/19/2006

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